

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Thomas Corey Payne, and Kayla Harris,)	
Individually and on Behalf of All Others)	
Similarly Situated,)	
)	
Plaintiffs,)	DEFENDANT AMAZON.COM, INC.’S
)	MOTION TO COMPEL ARBITRATION
vs.)	OR, ALTERNATIVELY, TO STAY
)	OR, ALTERNATIVELY, TO DISMISS
Amazon.com, Inc.,)	UNDER RULES 12(B)(6) AND 12(B)(2)
)	OF THE FEDERAL RULES OF CIVIL
Defendant.)	PROCEDURE
)	
)	C.A. No. 2:17-cv-2313-PMD

The defendant, Amazon.com, Inc. (“Amazon”), by and through its undersigned counsel, moves the court for an order pursuant to the Federal Arbitration Act, 9 U.S.C. §1 *et seq.* compelling arbitration between plaintiffs and Amazon, and dismissing the Amended Complaint, or, alternatively, staying the action pending arbitration on an individual basis. In the event the Court does not compel arbitration of the claims on an individual basis, Amazon moves to dismiss the claims pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. In the alternative, the nationwide class allegations should be stricken and dismissed pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure because this Court lacks personal jurisdiction over Amazon for claims alleged on behalf of non-resident putative class members.

This motion is based upon the Federal Arbitration Act, 9 U.S.C. §1 *et seq.*, the pleadings in this case, the declaration of Gianmarco Vairo and exhibits thereto, and the memorandum of law in support of Amazon’s motion filed herewith.

/s/ Phillip E. Reeves

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January 29, 2018

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